

EXHIBIT

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Tribunal Arbitral du Sport
Court of Arbitration for Sport

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RA Tanja Klemm
Dorfstr. 81
CH-8706 Meilen

Per fax

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CH-8706 Meilen
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Per DHL

World Boxing Council (WBC)
World Boxing Council Cuzco 872
Colonia Lindavista
MX-07300 Mexico

Mr Oleg Maskaev
3785 Berryessa Place
US-West Sacramento, CA 95691

Mr Samuel Peter
3050 S. Nellis Blvd.,
US-Las Vegas, NV 89121

Lausanne, 22 February 2007/AZ/cm

**Re : CAS 2007/O/1224 Vitali Klitschko, World Boxing Council (WBC), Mr Oleg Maskaev,
Mr Samuel Peter**

Dear Sirs,

This is to acknowledge receipt of the request for arbitration filed on behalf of Mr Vitali Klitschko (the *Claimant*), to confirm the decision issued on 15 January 2007 by the World Boxing Council (WBC), whereby the WBC authorized the Claimant to be the first Mandatory Challenger for the title of WBC Heavyweight Champion in the fight against Mr Oleg Maskaev.

I also acknowledge receipt of the produced exhibits, numbered 1 to 6. A copy of the request for arbitration and of the exhibits is enclosed herewith for the attention of WBC, Mr Oleg Maskaev and Mr Samuel Peter (the *Respondents*).

1. Assignment of the matter to the Ordinary Arbitration Division

Pursuant to Art. S20 of the Code of Sports-related Arbitration (Code), applicable to the arbitration procedure before the Court of Arbitration for Sport (CAS), the present arbitration has been assigned to the Ordinary Arbitration Division of CAS and shall therefore be dealt with according to Art. R38 ff. of the Code.

2. Costs of the arbitration

The Claimant has taken all proper arrangements to pay the CAS Court Office fee of CHF 500 to the CAS bank account. As this is not a disciplinary matter of an international nature (see Art. R65 of the Code), the present arbitration procedure will not be free of charge and, as a consequence, the parties will be requested to make an advance of costs, in accordance with Art. R64 of the Code.

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3. Arbitrators

The Claimant has nominated Mr Lucas Anderes, from Zurich/Switzerland, as arbitrator. In accordance with Art. R41.1 of the Code, within ten days from the receipt of the present correspondence, the Respondents shall nominate by mutual consent their common arbitrator, out of the list of the CAS members, which is published on www.tas-cas.org. According to Art. R41.1 of the Code, if the Respondents fail to nominate an arbitrator by mutual consent, the President of the Ordinary Arbitration Division shall proceed with such nomination.

4. Exchange of submissions

Pursuant to art. R39 of the Code, the Respondents are invited to file their answers within 20 days from the receipt of the present letter.

I draw the attention of the parties to article R44.1 of the Code, whereby as a general rule, there are two exchanges of written submission and, if the circumstances so require, one reply and a second response.

5. Language of the proceedings

The Claimant has chosen English as the language of the present arbitration. Therefore, the parties' correspondences and submissions (the Respondents' answers and replies) shall be filed in English and any exhibits written in another language shall be accompanied by a translation into the language of the arbitration.

6. Communications with CAS

Pursuant to Art. R31 of the Code, the request for arbitration, the answers and the replies, together with the produced exhibits shall be filed by courier, in at least eight copies, in the format A4 (210 x 297) or "Letter" (8 1/2" x 11"), whether or not the parties send them in advance by fax or email. Please note that, within pending arbitrations, the CAS Court Office corresponds with the parties in principle by fax or post, but not by email.

Either party may elect domicile at the address of his/its Counsel. In such case, he/it shall inform the CAS Court Office as soon as possible, providing the exact address where he/it wishes to receive the communication from CAS, as well as the respective telephone and fax numbers.

I remind the Claimant that he is invited to send to the CAS Court Office two more copies of the request for arbitration and of all the exhibits.

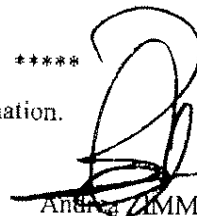
7. Mediation

In view of the circumstances, the parties are invited to consider that this dispute might be treated as a Mediation procedure according to the CAS Mediation Rules. A deadline of 5 days after receipt of the present letter is granted to all parties to give me their views regarding this matter.

Eventually, I draw the attention of the parties that according to article R43 of the Code the present procedure is confidential. I invite the parties to declare within the same deadline of 5 days whether they agree or not that the present procedure is not confidential. In case of disagreement, the procedure will remain confidential.

I remain at your disposal for any further information.

Yours sincerely,



Andrea ZIMMERMANN

Counsel to the CAS

Enc.

SCHERRER JENNY & PARTNER

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In advance by fax

LSI

Tribunal Arbitral du Sport (TAS)
Château de Béthusy
Av. de Beaumont 2
1012 Lausanne

Meilen, 16. February 2007

Dear Mr. President

Dear Sirs,

in the case of

Vitali Klitschko, Nöpps 22, 22043 D-Hamburg, Germany / 2055 Stradella Drive, Los Angeles, CA 90077, USA
represented by Attorney Tanja Klemm, Scherrer Jenny & Partner, Dorfstrasse 81,
8706 Meilen

The Plaintiff

versus

World Boxing Council (WBC), World Boxing Council Cuzco 872, Colonia Lindavista
07300 Mexico, D. F. MEXICO

Defendant 1

together with

Oleg Maskaev, 3785 Berryessa Place, West Sacramento, California 95691

Defendant 2

and

Samuel Peter, 3050 S. Nellis Blvd., Las Vegas, NV 89121

Defendant 3

concerning title challenge / WBC Heavyweight Championship of August 2007

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on behalf of and on the instructions of the Plaintiff

legal proceedings

are instituted, with the following submissions:

"that it be determined that the Plaintiff Vitali Klitschko is the next authorized challenger of Oleg Maskaev for the title of WBC Heavyweight Champion and the decision by the WBC on the subject on 15 January 2007 is effective;

that it be determined that accordingly in the next WBC Heavyweight Championship Defendant 2 is required to appear against the Plaintiff as 'mandatory challenger' (official challenger);

that Defendants 1-3 be bound to respect and enforce this right of challenge on the part of the Plaintiff;

the whole with consequential costs and damages to be borne by the Defendants."

Substantiation:

I. FORMAL MATTERS

1. The undersigned attorney is properly authorized to act (the power of attorney will be provided later on request).
2. In accordance with Art. 5.4 of the Rules and Regulations of the WBC the Tribunal Arbitral du Sport (TAS) is competent to act in the present matter.

EO: Art.5.4 of the WBC Rules and Regulations

Encl. 1

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The parties are therefore all subject to the authority of the TAS as arbitrator. The Plaintiff and Defendants 2 and 3 formally became subject to the authority of the TAS as arbitrator by their signature of the WBC contract. The WBC has in the same way placed itself under the authority of the TAS as arbitrator. 3.

EO: Acknowledgements of subordination in the case of dispute

After the President of the World Boxing Council (hereinafter WBC), Mr Jose Sulaiman Chaguén, intended to resolve by mutual agreement the dispute between the parties initially submitted, but this plan failed, in accordance with WBC Rule 5.3 he issued an invitation to neutral mediation. At present no mediation has been achieved, for which reason in accordance with WBC Rule 5.4 appeal to the Tribunal Arbitral du Sport is to be made.

EO: Art.5.3 of the WBC Rules and Regulations

Encl. 2

EO: Interview with WBC President, Jose Sulaiman Chaguén

3. As arbitrator the Plaintiff designates Attorney Lucas Anderes, Giroud & Anderes, Seefeldstrasse 116, Postfach, 8034 Zurich.
4. The advance payment of costs of CHF 500.00 (see R64.1 of the CAS Code) was ordered today.

EO: Payment voucher dated 16.2.2007

Encl. 3

5. For his presentation of the case, the Plaintiff offers quite generally the evidence to satisfy the law, in so far as the burden of proof falls upon him, and indeed also where the supporting evidence is not listed in detail below. For the sake of good practice, the right is expressly reserved as part of the formal

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reply and if necessary of further submissions to supplement the present explanations in respect of the presentation of facts and the submission of evidence. The statements by the Defendants are already disputed at this point, in so far as they do not agree with those by the Plaintiff.

6. The petition is submitted in German. The English version will follow immediately.
7. Since the WBC Heavyweight Championship between Defendant 2 and his challenger should already take place in August 2007, the TAS is requested to treat this case as a matter of priority and to reach a decision as quickly as possible.

II. THE FACTS OF THE CASE

1. On 8 November 2005 the Plaintiff, WBC Heavyweight Champion, announced his temporary withdrawal from competitive sport because of injury; this however without the loss of his title as unbeaten WBC Heavyweight Champion.

EO: Interview with the Plaintiff

The World Boxing Council (WBC), Defendant 1, however granted the status of "WBC Heavyweight Champion" to the interim champion Hasim Rahman.

EO: WBC News on 9.11.2005, by J. Sulaiman

Encl. 4

2. On 20 December 2005 Defendant 1 transferred the Plaintiff to the status of "WBC Champion Emeritus" and at the same time assured him that whenever he was ready to fight again he would immediately be regarded as the

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'mandatory challenger' against the current WBC Heavyweight Championship title-holder.

EO: WBC press release, "This December 20"

Encl. 5

3. On 25 September 2006 the WBC decided by 21 votes to 10 to arrange an immediate return fight between James Toney and Samuel Peter to take place, in order to decide on the No. 1 and the 'mandatory challenger' for the WBC heavyweight championship.

EO: Boxing News of 26.9.2006

Encl. 6

4. On 10 December 2006 the Plaintiff saw the WBC heavyweight champion, Defendant 2, fight in Moscow. The Plaintiff then immediately informed the WBC President, Jose Sulaiman, that he would be happy to return to the ring, provided that his doctors would allow him to continue his career.
5. In December 2006 the Plaintiff had his doctors examine him and subsequently resumed training.

EO: Interview with the Plaintiff

6. On 29 December 2006 the WBC Heavyweight Champion Oleg Maskaev (Defendant 2)'s promoter, Dennis Rappaport, requested the WBC to authorize the bout between the Plaintiff and Defendant 2 and to arrange for this to take place.

EO: e-mail dated 29.12.2006 from D. Rappaport to J. Sulaiman

Encl. 7

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7. On 6 January 2007 Samuel Peter (Defendant 3) defeated James Toney in the second WBC qualifying bout and became WBC No. 1 and 'mandatory challenger' for the WBC Heavyweight Title. Defendant 3 now insists that he has the right to fight Defendant 2, WBC Heavyweight Champion, for the title, as the next challenger.
8. Between 8 and 10 January 2007 the Plaintiff's promoter, Shelly Finkel, contacted Defendant 3's promoter, Dino Duva, in order to clear up the uncertainties which existed relating to the fight between the Plaintiff and Defendant 2.

EO: Interview with Shelly Finkel on the disputed matter

9. On 11/12 January 2007 the Plaintiff informed the WBC that he was ready to return to the ring. He requested that the WBC grant him permission to recognize him as Defendant 2's opponent in the next fight.
10. In the week of 15 January 2007 the WBC Board of Governors met and decided by 24 votes to 8 to grant permission for the fight between the Plaintiff and Defendant 2 (see here WBC Rule Art. 1.21 b) v in connection with Art. 1.21 b) x).

EO: Extract from WBC Rules, Art. 1.21

Encl. 8

EO: Members of the WBC Board of Governors, World Boxing Council Cuzco
872, Colonia Lindavista 07300 Mexico, D. F. MEXICO **as witnesses**

BO: Shelly Finkel, Shelly Finkel Management, 60 East 42nd Street, Suite
464, New York 10165 **as witness**

BO: Vitali Klitschko, Nöpps 22, 22043 Hamburg, Germany / 2055 Stradella Drive,
Los Angeles, CA 90077, USA **Examination of party**

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BO: Dennis Rappaport, address can be supplied later **as witness**

At the same time the WBC Board of Governors decided not to announce the result of the decision to Shelly Finkel, Vitali Klitschko and Dennis Rappaport until 23 January 2007.

EO: Plaintiff's e-mail dated 21 January 2007 to J. Sulaiman **Encl. 9**

In order to avoid legal action by Samuel Peter, this decision by the WBC Board of Governors was in the end not published. The WBC evidently wished to avoid a further lawsuit, like the "Rocchegiani" case, in which it was obliged to make payment of around 33 million US dollars.

11. Because of the decision taken by the WBC Board of Governors, on 24 January 2007 the Plaintiff officially announced that he would return to the ring and had applied to the WBC, asking for the fight between himself and Defendant 2 to be approved.

EO: Sports.espn on 24.1.2007 **Encl. 10**

12. On 25 January 2007 Defendant 3's promoter, Dino Duva, threatened to take legal action against anyone who wanted to fight Defendant 2 ahead of Defendant 3.

EO: Eastsideboxing, report dated 24.1.2007 **Encl. 11**

EO: Open letter to the Plaintiff dated 26.1.2007,
published in boxing news **Encl. 12**

13. Between 25 and 30 January 2007 WBC President Jose Sulaiman approached Defendants 2 and 3 and also the Plaintiff in order to find a solution, and in particular to clarify the point of who now – the Plaintiff or Defendant 3 – was entitled to fight Defendant 2 as the next contestant.

14. On 31 January 2007 the WBC announced that the differences of opinion concerning the next WBC Heavyweight Champion had to be cleared up in accordance with Rule 5 of the WBC Rules and Regulations. Since it was not possible for the WBC President to settle the dispute, the WBC ordered 'compulsory mediation' in accordance with Rule 5.3.

EO: Letter dated 11.2.2007 from the WBC General Secretary **Encl. 13**

15. On 31 January 2007 the Plaintiff informed the WBC that he was willing to take part in compulsory mediation; Defendant 2 also declared himself willing to do so. Defendant 3 let it be known via Barry Berke that his client, Defendant 3 would not take part in the mediation. Defendant 3 did not recognize that the WBC was 'faced by 'competing claims'; he threatened to take legal action should the WBC not immediately allow a world championship fight between himself and Defendant 2.

EO: Letter dated 31.1.2007 from John R. Hornewer for the Plaintiff

Encl. 14

EO: Letter dated 31.1.2007 from Defendant 3's representative **Encl. 15**

16. On 1 February 2007 the WBC noted that Samuel Peter refused to take part in mediation and offered that the parties should meet in New York on 7 February 2007. Everything which might be discussed at this meeting would be entirely without prejudice and not be allowed to be mentioned in any court proceedings.

EO: Letter from WBC Legal Counselor dated 1. Feb. 2007 **Encl. 16**

17. On 2 February 2007 Defendant 2 stated that he would not appear at any meeting, since such a meeting was not consistent with Rule 5.3 of the WBC Rules and Regulations.
18. On 6 February the Plaintiff, Shelly Finkel, Tom Loeffler and John Hornewer stated that they were willing to take part in this meeting on 7 February 2007 in New York.

III. LEGAL CONSIDERATIONS

In accordance with the available facts and on the basis of the WBC Rules it is evident that the Plaintiff is entitled to fight Defendant 2 for the title of WBC Heavyweight Champions, as the official challenger ('mandatory challenger'). The following is relevant:

1. In the week of 15 January 2007, on the basis of Art. 1.21 b) x of the WBC Rules, the WBC Board of Governors decided to grant permission for the fight between the Plaintiff and Defendant 2 (see Art. IV et seq. of the WBC Constitution).
2. When the Plaintiff had withdrawn on the grounds of injury, Defendant 1 assured him that, should he decide to return to competitive boxing, he would be able to fight for the WBC Heavyweight title immediately, as the 'mandatory challenger' (see Encl. 5).
3. From WBC Rule 1.21 on the subject of 'championship defense obligations' it follows that a WBC champion must defend his title at least twice in a year,

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either in a voluntary bout ('voluntary defense') or in an obligatory bout ('mandatory defense'). The right of challenge of a WBC champion is open to him in respect of various potential opponents, and thus also against previous champions, or champions who have retired (according to the decision of the WBC Board of Governors), as the Plaintiff is.

All WBC champions must contest an obligatory fight at least once per year. The last WBC obligatory fight between the then WBC champion Hasim Rahman and his mandatory challenger Oleg Maskaev took place in August 2006, Oleg Maskaev winning this by a knock-out. In this respect Oleg Maskaev can appear against his mandatory challenger Samuel Peter up to August of this year. Meanwhile he can contest voluntary fights.

4. Currently Defendant 3 is claiming to be able to fight Defendant 2 for the WBC Heavyweight title, as 'mandatory challenger'. This claim is based on the fact that he had won against James Toney.
5. Defendant 1's assurance to the Plaintiff at the time, and also the decision by the WBC Board of Governors on 15 January 2007 however allow the Plaintiff to 'jump' Defendant 3, and to fight Defendant 2 as the first 'mandatory challenger'. The same has to apply in accordance with Art. 1.21 b) x of the WBC Rules. If this Article is valid, Art. 1.21 b) v takes second place to x.
6. By reason of the fact that the Defendants in the end have caused the present proceedings, costs should be awarded against them; in addition, fair damages should be awarded to the Plaintiff.

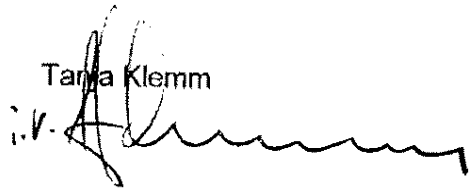
For all these reasons, the suit proves to be well-founded. You are therefore courteously requested to approve this in accordance with the legal application

LIC. IUR. TANJA KLEMM

set out at the beginning, with the consequential costs and damages applied for.

Yours faithfully

Tanja Klemm

A handwritten signature in black ink, appearing to read 'Tanja Klemm', with a long, wavy horizontal line extending to the right.

in six copies

Enclosures: as in the separate list of enclosures

interested parties of the decision of the WBC in writing. The administrative procedures as provided in these Rules, must be fully complied with before the provisions of Rule 5.3 and 5.4 are invoked.

5.3 Compulsory Mediation. Any unresolved claim, controversy or dispute against the WBC, must be submitted to non-binding mediation in accordance with the following procedures, within thirty (30) days after exhaustion of the administrative procedures outlined in Rule 5.2:

- a) The parties must, in good faith, attempt to select a neutral mediator to conduct the mediation. The eligible candidate must be neutral and have experience in the sport of boxing or in resolving boxing disputes.
- b) In the event that the parties are unable to agree on a mediator, each party shall nominate two qualified candidates from the CAS Pool of Mediators.
- c) The mediator shall be selected at random from the four (4) candidates selected by the parties from the CAS Pool of Mediation.
- d) The mediation shall be conducted in accordance with procedures prescribed by the selected mediator and at a convenient location designated by the mediator. The mediator's expenses shall be shared equally by the parties who participate in the mediation.
- e) The mediation shall be completed within thirty (30) days after the mediator is selected, in accordance with the procedures in this Rule.
- f) The parties to the mediation must agree to mediate in good faith in a meaningful attempt to resolve the controversy, claim or dispute.

5.4 Mandatory Arbitration. Any dispute arising directly or indirectly on the occasion of or in connection with a WBC sanctioned bout or any decision made by the WBC, which the parties have been unable to resolve pursuant to the procedures provided for in Rules 5.2 and 5.3, will then be settled exclusively by mandatory arbitration before the Court of Arbitration for Sports ("CAS"), pursuant to the Code of Sports-Related Arbitration. The WBC and all boxers involved in WBC sanctioned fights, as well as all related parties, acknowledge that these provisions concerning alternatives to dispute resolution are an essential part of these Rules and Regulations.

5.5 Waiver. Any person having a claim against the WBC expressly waives all remedies and courses of action other than those provided for in this Rule 5.

Rule 6 - Rating Standards

6.1 General Requirements. Boxers will be rated by the Ratings Committee according to monthly bout results and the WBC Ratings standards as follows:

1. The members of the Committee will take notice of boxing matches reported daily, weekly or monthly, in the newspapers of the world, the monthly reports from the boxing commissions, the continental federations and the WBC, to inform on them and extend recommendations to the Secretary and Chairman every month.
2. Fight and record reports sent by boxers' representatives, shall be considered but they must be certified by their corresponding boxing commissions.

Interested parties of the decision of the WBC in writing. The administrative procedures as provided in these Rules, must be fully complied with before the provisions of Rule 5.3 and 5.4 are invoked.

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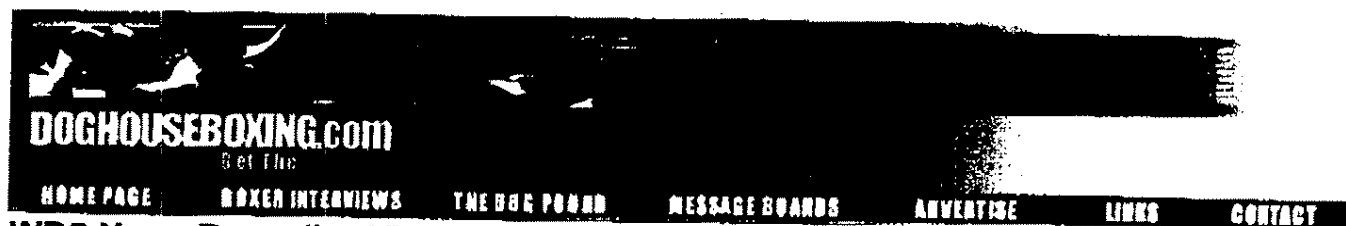
Zahlungsbestätigung

16.02.2007 13:27

Seite 1 von 1

Zahlungstyp:	Bankzahlung Schweiz
Stand:	Bereit
Anlass:	Mit Belastungsanzeige
Betrag:	500.00 CHF
Zustimmung:	Montag, 19. Februar 2007
	Die Zahlung wird am 19.02.2007 an die Bank zur Verarbeitung weitergeleitet.
Referenz:	IBAN / Bankkonto-Nr.: CH89 0442 5038 4033 7100 0
	C/S Head office
	Château de Béthusy
	1002 Lausanne
Bank:	Banken Clearing Nr.: 4425
	CREDIT SUISSE (4)
	1002 Lausanne
Gebühr:	Gebührenteilung
Mitteilung:	Klitscho c WBC,
	O. Mashaer, S. Peter

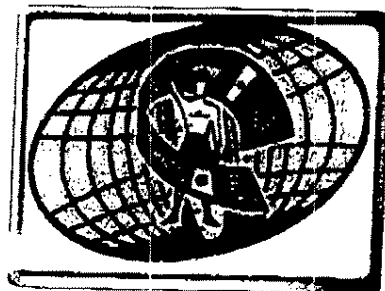
Beilage 4



WBC News Regarding Vitali Klitschko's Retirement

From WBC President Jose Sulaiman (November 9, 2005)

Ads by Google



WBC

"The WBC feels sadness for the retirement of the heavyweight champion of the world, Vitali Klitschko, who created a good name for boxing in his career, but we consider that there is nothing more important in life than the physical and mental health of boxers as the human beings that they are.

"This position by Vitali Klitschko shows that he is a man of pride, dignity, and honor as a champion of the world of the WBC, as instead of fighting for the multimillion dollars that he was going to make, he preferred to respect the sport of his love and the boxing fans of the world by acting with dignity, and decided to retire.

"Vitali Klitschko is not a quitter, as the world saw when he fought and was defeating Lennox Lewis, considered the very best heavyweight at least of the last decade. Klitschko strongly objected to have Dr. Wallace stop that fight in Los Angeles, when he had a very dangerous cut on his eyebrow.

"Vitali Klitschko, WBC champion of the world, from Ukraine, is retiring as a champion without losing his title in the ring, and the WBC is proceeding to take the vote from its Board of Governors to comply with the WBC Rules and Regulations for the automatic appointment of the WBC interim champion of the world Hasim Rahman, to be named the undisputed champion of the world of the WBC.

"The Board of Governors is formed by 35 members, all of them with the right to vote."

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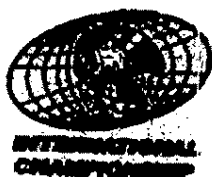
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Press Releases



This December 20: RAHMAN WILL RECEIVE HIS BELT IN CANCUN



On December 20 in the paradisiacal Cancun, the World Boxing Council will present Hasim Rahman with the championship belt as the undisputed world heavyweight champion of the WBC, after Vitali Klitschko's retirement due to an injury he suffered a week before their title bout.

At the same time, the WBC has designated Vitali Klitschko as World WBC Champion Emeritus in recognition of his unquestionable loyalty and his transparent extraordinary boxing career; also for having brought great prestige and honor to the heavyweight division and for possessing a record of 35-2-0 with an incredible percentage of 97.1 in victories by KO.

The WBC World Champion Emeritus automatically becomes the Ambassador for Peace and Good Will in the World through sports.

With this nomination Vitali Klitschko will also keep the right to return to the boxing arenas as immediate mandatory official challenger if someday he would wish to come back to professional boxing, instead of retiring definitively.

Other very special guests will be present at the ceremony on December 20; their names will be disclosed once their attendance is confirmed.



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WBC orders Peter-Toney rematch!

September 28, 2006

The WBC Board of Governors approved by a vote of 21 to 10 the immediate rematch between Samuel Peter and James Toney, after their first bout which Peter won by split decision on September 2 at the Staples Center in Los Angeles, California. In a statement, the WBC said it has always supported the decisions made by its ring officials and it will continue to do so. This approval of a rematch in no way questions the decision of September 2.

Two reasons the WBC made this decision are:

1. First, for having been an extremely close fight which divided the opinions of the media and fans. This rematch will clear the air and we will have an official undisputable challenger to our new champion Oleg Maskaev.
2. The WBC believes that at this moment there can not be a more interesting heavyweight fight than this rematch. There is a huge public demand for this rematch and it will be very good for the promoters, as well as the prestige and the importance of boxing in the world.

"James Toney was No. 1 ranked official challenger and he had no need to fight anyone to gain the right to contend for the title," said WBC President Jose Sulaiman.

"By choosing Samuel Peter, the highest rated boxer adopted a top-level sports decision and the WBC wishes that the official challenger be the winner of this rematch so nobody has doubts about it. The WBC decided, however, that should a purse offer be necessary for this rematch, the purse will be divided 55 percent for Samuel Peter and 45 percent for James Toney.

Samuel Peter spoke with me about his respect for the decision made by the WBC; he also stated that even though he wants to fight for the title immediately, he will accept the rematch to show once again his merits to contend for the title.

The WBC invites all parties to kindly restrain from using a hard language in their public statements, since boxing is a sport for gentlemen and we all would like to keep it that way."

WBC approves Toney-Peter immediate rematch

Mexico City, Mexico (Sports Network) - The WBC Board of Governors approved the immediate rematch between Samuel Peter and James Toney after their first bout on September 2 was won by Peter in a controversial split-decision.

The fight was approved by a vote of 21-to-10 in favor of the rematch.

Among the reasons that the WBC made this decision was that the fight was so close, it divided the opinions of the media and fans. The WBC wants to determine a clear winner to put up against its new champion, Oleg Maskaev.

The council also feels that the fight would be good for boxing, since there is not a more interesting fight in the heavyweight division.

2/26 20:54:12 ET

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Vitali Klitschko | Inbox

From : <Berrid.Boente@sportfive.com>
 Sent : Wednesday, January 31, 2007 6:50 AM
 To : <vitall@klitschko.com>, <sf464@aol.com>, <hornewer@hotmail.com>
 CC : <www.klitschko@aol.com>
 Subject : open letter from Rappaport to Sulaiman

Maskaev camp seeking WBC approval for showdown with Klitschko!

January 31, 2007

In a letter to WBC president Jose Sulaiman sent by both email and fax, Dennis Rappaport, promoter of WBC heavyweight champion Oleg Maskaev has made an impassioned argument as to why Maskaev should be allowed to accept a lucrative fight with "champion emeritus" Vitali Klitschko before making his defense against mandatory challenger Sam Peter.

January 29, 2007

Jose Sulaiman, President
 World Boxing Council

Dear Jose,

This is a follow-up to my e-mail to you of December 21, 2006 as well as the numerous telephone conversations with you in which I requested the WBC's sanctioning and approval of a Heavyweight Championship bout between Oleg Maskaev and Vitali Klitschko. Said bout would be Oleg's next defense of his title.

Peter and his representatives are creating controversy by their blatant attempts at distorting the facts. Maskaev's next mandatory is not due until August 2007. Let's examine the facts as they are and let's remember that Maskaev has rights as the WBC Heavyweight Champion.

Vitali Klitschko stepped aside as the WBC Heavyweight Champion, due to injuries. He then agreed to retire as an undefeated champion having

never lost as World Champion. The WBC guaranteed and declared that if he returned, as a former champion, he would be entitled to immediately fight the World Champion. After Klitschko retired, Oleg Maskaev was ranked #1, James Toney was ranked #2, and Hasim Rahman's status changed from interim champion to World Champion. The WBC decided that the #2 ranked Toney, who never fought a title eliminator, would be Rahman's 1st mandatory challenger and the winner would then fight the #1 ranked Maskaev, who fought and won a title eliminator, as a 2nd mandatory challenger. In March of '06 Rahman and Toney fought to a draw. Due to the controversial draw, Toney wanted an immediate rematch. The WBC determined that Rahman must fight Maskaev next, and that the winner of that bout would commit to fighting Toney in the next bout.

All Toney had to do was wait and be available to fight the Rahman-Maskaev winner. Instead of waiting and remaining available, Toney chose to pursue a lucrative opportunity to fight Samuel Peter. Maskaev faced a similar decision after his title eliminator fight against Samil Sam in November '05. As you recall, I spoke with you regarding my desire for an interim fight to avoid 9 months of inactivity. You recommended that Maskaev not take an interim fight, because if he did, it could be argued he was unavailable and potentially could lose the opportunity of fighting for the title. Why does the same standard not apply to Toney?

Toney fought Peter in September '06, the verdict was a split decision in favor of Peter. The vast majority of the media thought Toney won the fight. Because of the controversy, the WBC ordered a rematch in which Peter won a unanimous decision. It should be clear that once Toney decided not to wait to fight the Rahman-Maskaev winner, which took place in August '06, and instead decided to fight Peter in September, he made himself unavailable to fight the Rahman-Maskaev winner and therefore forfeited his right. Consequently, the WBC should never have approved the match between Peter and Toney in the first place.

Furthermore, there has been no explanation as to why Peter was entitled to step into Toney's position as mandatory challenger when he defeated Toney. Peter did not fight to a draw with then champion Rahman, Toney did. The very best scenario for Peter should be that he has a mandatory status. However, that mandatory status wouldn't be due until August '07.

The heavyweight division has had more mandatories in the last year than any other division in boxing. The WBC rules clearly provide that a champion has one year in which to fight the mandatory, and more often than not, as courtesy a reasonable extension may be granted. Peter's representatives claim that since he fought a title eliminator he should be granted special status. Allow me to remind you that Maskaev fought a title eliminator against Sam and the WBC nonetheless determined that Toney,

who was not ranked #1 and did not fight an eliminator, be given priority to fight for the title over Maskaev, who fought and won a title eliminator and was rated #1. Does Peter deserve more consideration than Maskaev? Maskaev did it the right way, he earned it by defeating Samil Sam and becoming the #1 mandatory challenger and then by defeating Rahman by a knockout in a fight that the media and the fight fans described as one of the most exciting bouts in a very long time.

Jose, I have made repeated requests of you, via telephone, for the sanctioning of an Oleg Maskaev-Vitali Klitschko bout for the WBC heavyweight Championship. While Peter and his representatives scream inaccuracies about their rights, Oleg Maskaev deserves the rights given to him by the WBC, as the WBC Heavyweight Champion. He has every right to make a defense against Vitali Klitschko for the following reasons:

... Maskaev has 12 months to make a mandatory defense per WBC Rule 1.21, b. Mandatory Defense Obligations

2. He clearly has the right to fight before then. He is a family man with 4 daughters and it would be unconscionable to deprive him of his right to maximize his earning potential.

3. Under your own rules and regulations for Championship Defense Obligations, Rule 1.21,b, x states:

'Under extreme special circumstances, such as a unification bout or a proposed bout with a legendary boxer, that could result in a great promotion, prestige, and importance for the sport of boxing, the WBC may sanction such bout as a mandatory bout. If a mandatory challenger had already been appointed by the WBC, the winner of the special bout will then face the mandatory challenger without an intervening contest'

... WBC Rule 1.21, a) Voluntary Defense Obligations states '.....The defenses must be against:

i) any of the top ten (10) rated contenders;

i) upon a majority vote of the Board of Governors, any boxer rated from 11 to 19 positions;

ii) a champion or a top-10 rated boxer of another immediate lower or higher weight division, subject to the majority vote of the Board of Governors;

iii) a former or retired world champion upon majority vote of the Board of Governors; and

iv) another boxing organization's champion recognized by the WBC, upon majority vote of the Board of Governors.

Vitali Klitschko is the WBC Champion Emeritus, but more significant, he's a former champion who never lost the championship in the ring. He was undefeated as the WBC World Heavyweight Champion. Furthermore, the WBC, upon Klitschko giving up the title, publicly stated that if he elected to continue his career, he would receive an immediate opportunity to fight for the title against whomever held the WBC Heavyweight Championship at that time.

A Maskaev-Klitschko fight would be to boxing what fresh oxygen would be to a suffocating man. It would greatly enhance the integrity, dignity, and prestige of boxing.

As per the WBC rule 1.21, b) '...All WBC recognized champions are obligated to make at least one yearly mandatory defense against the designated official challenger.' By the WBC's own rules, Maskaev has until August 2007 to fight a mandatory defense, and the WBC should not deprive him of the rights given him by their own rules and regulations.

We expect the WBC to protect and uphold Oleg Maskaev's rights as the WBC World Heavyweight Champion.

Procrastination and delay in making a decision to sanction Maskaev-Klitschko will create lost opportunities and diminished revenues. This is a huge promotion and we must be able to commit a date to international television. The onsite Russian promoter must commit to a date or lose the availability of a site. There are many more arrangements that must be made. I respectfully request that you expedite this matter and immediately approve and sanction the Maskaev-Klitschko bout. Time is of the essence.

Thank you for your kind consideration,

Yours truly,
Dennis Rappaport
Promoter of Oleg Maskaev

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- 1.17 Examination for Officials. All judges and referees must complete and pass performance, medical, psychiatric, ophthalmology, cardiology, and psychological tests conducted by their local federation and the WBC Ring Officials Committee.
- 1.18 Fees for Ring Officials. A schedule of fees for ring officials will be designated by the WBC from time to time. These payments must be made directly by the local boxing commission or the WBC representative to the officials, with the ultimate responsibility to supervise such payment resting with the WBC supervisor.
- 1.19 Attire of WBC Ring Officials. All referees in world title bouts must wear the official WBC uniform consisting of black slacks, light green shirt, black bow tie, boxing shoes and the WBC emblem. Referees will not wear rings, medals or any other metallic accessory while on the ring. All Judges appointed to WBC sanctioned bouts shall wear the official WBC uniform consisting of a black suit, light green shirt, black bow tie, black shoes, and the WBC emblem.
- 1.20 Presentation of the WBC Championship Belt. The WBC representatives in a world title contest shall have the right to demand that the champion at all times enter the ring with the championship belt, and it shall be the obligation of the champion to do so under all circumstances. The WBC Representative and the chairman of the local federation will present the championship belt to the champion after every contest. Promoters of the title contest shall provide security, organize the ceremony for the presentation of the championship belt, and require boxers in their contest contracts reasonably to assist so that such presentation can occur in an organized and efficient manner.
- 1.21 Championship Defense Obligations.
- a) Voluntary Defense Obligations: All WBC recognized champions must defend their title at least two (2) times a year. Champions will defend their titles either in a voluntary or mandatory defense, as follows:
- i) any of the top ten (10) rated contenders;
 - ii) upon a majority vote of the Board of Governors, any boxer rated from 11 to 19 positions;
 - iii) a champion or a top-10 rated boxer of another immediate lower or higher weight division, subject to the majority vote of the Board of Governors;
 - iv) a former or retired world champion upon majority vote of the Board of Governors; and
 - v) another boxing organization's champion recognized by the WBC, upon majority vote of the Board of Governors.
- b) Mandatory Defense Obligations. All WBC champions are obligated to make at least one yearly mandatory defense strictly pursuant to the following:
- i) A mandatory defense shall always be exclusively against a WBC designated official mandatory challenger;
 - ii) The designation of the official mandatory challenger requires a majority vote approval of the Board of Governors;

- iii) The No. 1 rated boxer in the WBC rankings is not necessarily the official mandatory challenger;
- iv) The WBC shall always have the discretion to: a) designate as official mandatory challenger the highest rated available challenger of the division, by merits as determined by the Board of Governors in its sole discretion; or b) through a final elimination bout of two highest available contenders;
- v) The WBC may order more than one elimination bout to find an official mandatory challenger. The only challenger that will have the right to fight directly against the Champion is the winner of a final elimination bout, subject to the provisions of this Rule;
- vi) The WBC Board of Governors may, after a final elimination bout, and upon a 2/3 voting of the Board of Governors, retire recognition to the winner of such bout as official mandatory challenger based on lack of merits or performance in its sole discretion, or if it serves the best interests of the sport. In such scenario, the WBC will order the an additional final elimination bout;
- vii) An immediate rematch ordered by the WBC pursuant to Rule 1.29 is considered a mandatory defense. If such rematch is ordered, a previously designated official mandatory challenger shall instead face the winner of immediate rematch without an intervening bout;
- viii) The period of one (1) year stated in these Rules for a champion to make a mandatory defense may be extended by the Board of Governors upon their majority vote approval for extenuating circumstances, or if a champion has defended the title in a voluntary defense against the No. 1 rated boxer;
- ix) No boxer shall be designated as mandatory challenger if he has a legal restriction that would impede him to enter into free negotiations within the context of Rule 2. It will be the sole responsibility of the challenger to inform the WBC of such contractual restrictions. The WBC will assume that there are no contractual or legal obligations that impede the fighter to negotiate the bout. In the event that a boxer fails to timely notify the WBC of any contractual or legal obligation or restriction, as mentioned herein, he will be subject to a fine for such failure and, further, removed as a challenger for the WBC title; and
- x) Under extreme special circumstances, such as an unification bout or a proposed bout with a legendary boxer, that could result in a great promotion, prestige, and importance for the sport of boxing, the WBC may sanction such bout as a mandatory bout. If a mandatory challenger had already been appointed by the WBC, the winner of the special bout will then face the mandatory challenger without an intervening contest.

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From: Shelly Finkel <sf464@aol.com>
Sent: Friday, February 2, 2007 2:15 PM
To: "John+Sandra Homewer" <Homewer@hotmail.com>
Subject: Fw: Vitali Klitschko

Vitali Klitschko | Inbox

For your files.

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Vitali Klitschko" <vitali@klitschko.com>
Date: Fri, 2 Feb 2007 10:43:58
To: "Shelly Finkel" <sf464@aol.com>
Subject: Fw: Vitali Klitschko

----- Original Message -----

From: Vitali
Klitschko: <mailto:vitali@klitschko.com>
To: Jose
Sulaiman: <mailto:suljos@gmail.com>
Sent: Sunday, January 21, 2007 11:34 PM
Subject: Vitali Klitschko

21 January 2007

Dear Don Jose:

Since I first called to inform you that I am physically ready and able to resume my boxing career, I have been extremely pleased that the WBC has shown me the tremendous respect that I had been told I would be afforded when I relinquished my Title and when I was voted the honor of Champion Emeritus. I thank you for the support that you and the WBC have shown me over the years.

In light of our agreement when I relinquished the Title and after a review of the WBC Rules supporting that agreement, you informed me that my request to fight for the Title in the next WBC Heavyweight Title bout could and would be considered and that a vote of the Board would need to be taken. Your call informing me that the Board has voted in favor of my request has made me extremely happy and excited about the future. It is great to know that all of my hard work and patience will be rewarded.

Due to and out of respect for the fact that there is already a press conference scheduled for Tuesday of this week to announce Wladimir's fight in Germany on

://by117fd.bay117.hotmail.msn.com/cgi-bin/getmsg?msg=87C706C5-9D46-41EB-AB8F-AD58F45A3... 2/10/2007

March 10th, I plan to announce that I am returning to the ring on Wednesday, and ask that you announce the result of the vote thereafter without delay so that my camp can complete negotiations with the camp of Oleg Maskaev and this historic bout can be staged as soon as possible.

I am ready to be WBC Heavyweight Champion again and will not disappoint you and the WBC. You are assured that when I am successful in this bout and regain my Title in the ring that I will represent the WBC proudly and will follow the Rules and Regulations related to obligations for all future bouts.

Your Champion,

Vitali Klitschko



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Updated: Jan. 24, 2007

Vitali Klitschko ends retirement, might fight Maskayev

By Dan Rafael
ESPN.com

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Former heavyweight champion Vitali Klitschko, who retired days before a title defense against Hasim Rahman in November 2005 because of a knee injury, is planning to return to the ring.

"I've been back in the gym for a couple of weeks and I feel great," Klitschko said in a statement. "My injuries have healed and after much hard work, and with the approval of the doctors, I am cleared to continue my boxing career."

Klitschko (35-2, 34 KOs) hasn't fought since making his only title defense against Janny Williams, a bloody eighth-round knockout in Las Vegas on Dec. 11, 2004.

Klitschko was stopped in the sixth round by Lennox Lewis in June 2003, when Lewis opened a horrific cut over Klitschko's eye. Lewis later retired and Klitschko knocked out Corrie Sanders in April 2004 to win the vacant belt.



Gene Blevins/WireImage.com

Former WBC heavyweight champion Vitali Klitschko has been cleared to continue his boxing career after a two-year hiatus.

When he retired, Klitschko vacated his title, which interim titlist Rahman inherited and subsequently lost to Dleg Maskayev.

Now, Klitschko said he is back for his belt.

"I am returning to the ring to get my WBC heavyweight championship back," said Klitschko.

//sports.espn.go.com/sports/boxing/news/story?id=2741234

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who mounted an unsuccessful run for mayor of Kiev in his native Ukraine during his retirement. "In November 2005, due to a serious knee injury, I retired without having lost the WBC belt in the ring. At the WBC gala event on Dec. 20, 2005 in Cancun, Mexico, the WBC designated me as 'WBC Champion Emeritus' and assured me that whenever I was ready to return, I would become the immediate mandatory challenger for the title.

"I'm back, and I have requested that the WBC sanction a bout between me and Oleg Maskaev. I look forward to reclaiming my title, and want to thank everyone who has been so supportive during my short retirement from the ring."

There is talk that a Maskaev-Klitschko bout could be staged in Moscow on April 21. The WBC has yet to rule on whether it will install Klitschko, 35, as the immediate mandatory challenger for Maskaev, but it expected to approve Maskaev-Klitschko.

If it does, it probably will have a lawsuit on its hands from No. 1 contender Samuel Peter.

Peter twice defeated James Toney in official elimination fights. He won the first bout in September, but a rematch was ordered when the WBC upheld Toney's appeal of the split decision loss.

On Jan. 6, Peter again defeated Toney, this time on a lopsided decision. For both fights, Peter paid a sanction fee, yet no title fight was ordered.

"It's a disgrace. I fought my way into this position without taking shortcuts," said Peter, who is demanding that the WBC uphold his mandatory rights. "I paid my sanctioning fees not once, but twice. I wasn't even supposed to fight the second time, but people were questioning the judges, so I fought again to prove myself.

"They're trying to take away everything I worked for all those years. I'm No. 1 and they're going to have a very big problem if they allow this. They are putting their own hands in the fire and making a big mistake."

Maskaev has made no secret that he is avoiding Peter, instead looking for more significant paydays. After Maskaev knocked out Rahman in August to win the title, promoter Dennis Rappaport secured an exception to his mandatory obligation, and Maskaev easily defeated obscure Peter Okheko in December in Moscow.

Rappaport tried to make a fight with Evander Holyfield and then tried to make a unification match between Maskaev and Wladimir Klitschko, Vitali's younger brother who holds the IBF heavyweight title.

Vitali Klitschko career highlights

- **July 10, 1971:** Born in Kyrgyzstan. Brother Vladimir born five years later. Both go on to attain PhDs in sports science and hold versions of the world heavyweight title.
- **Nov. 16, 1996:** Makes professional debut in Hamburg, knocking out Tony Bradham of the U.S. in the second round.
- **May 2, 1998:** Wins WBO Intercontinental title with a fifth round TKO of Dick Ryan of the United States.
- **Oct. 24, 1998:** Wins European heavyweight title with second-round knockout win against fellow German Mario Schlessel. Defends title twice.
- **June 26, 1999:** Wins WBO world title in London with second-round knockout victory over England's Herbie Hide.
- **April 1, 2000:** After two successful defenses, loses WBO world title with a 10th-round TKO by Chris Byrd of the United States.
- **Jan. 27, 2001:** Wins WBA Intercontinental title with TKO in first round against Orlin Norris of United States.
- **June 21, 2003:** Loses WBC world title fight against Lennox Lewis of Britain, via a TKO in the sixth round, after sustaining a cut eye.
- **April 24, 2004:** Wins WBC world heavyweight title with a TKO eighth-round win over Corrie Sanders of South Africa.
- **Dec. 11, 2004:** Successfully defends WBC title with TKO eighth-round win over Britain's Danny Williams in Las Vegas.
- **2005:** Forced to pull out of scheduled defense against Hasim Rahman because of knee injury sustained in training bout. Undergoes surgery and retires with a professional record of 35 wins in 37 fights.

— Reuters



Also See

Manager: Klitschko is 'done for good'
WBC heavyweight champion ...

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When that fight didn't materialize -- both beltholders had mandatory defenses to make -- Rappaport looked to Vitali, who had the promise of a title fight if he returned.

It has angered Peter.

"Why did he [Vitali Klitschko] wait till I beat Toney the second time to say he was coming back? Why not announce before? Because he's not a true champion," Peter said. "He got his title when Lennox Lewis retired. And now he wants to fight Maskayev, who is also not a true champion because he's avoiding me. Let me go against Maskayev and I'll knock him out and then I'll knock out both Klitschko brothers on the same night."

Dino Duva, who co-promotes Peter with Don King, is also upset that Peter might be passed over for a title shot.

"From the standpoint of Vitali personally, I respect him and we wish him the best and if he comes back, we hope the injuries that forced his retirement are really healed, so that he may continue his career," Duva said. "However any thought or mention of him or anyone else trying to step in front of Samuel Peter's path to the title is very dangerous legally and financially for anyone who goes there. We will not stand by and allow Samuel Peter's rights to be violated."

"I am returning to the ring to get my WBC heavyweight championship back."

— Former heavyweight champion Vitali Klitschko

Dan Rafael is the boxing writer for ESPN.com.

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Our punitive damages are skyrocketing with each passing day that Sam Peter's rights and interests are delayed," the Bulgarian-born Gotzev said. "Day by day, the punitive damages grow larger and larger. These damages will be extensive, extensive."

"Jose told you, Marley, he is waiting for a phone call from Vitali. What kind of rubbish and nonsense is that? Is Vitali running the WBC now? As far as that rule, they stuck it in during the recent convention in Croatia.

"The whole thing is a sabotage and conspiracy," Gotzev said. "This is a rule they created personally for Vitali's benefit. We know the people who tortuously interfered with Sam Peter's rights. We know who they are, they know that we know, and they should also know that they will, all of them, be named in our lawsuit."

Gotzev was furious that, in my exclusive interview with Don Jose, he mentioned in passing that Peter had made \$2.7 million in the ring for the two Toney bouts and suggested the young contender could wait to fight a MaskaeV-Klitschko winner.

"We jumped through all of Jose's hoops, all of them," Gotzev said. "How about the sanctioning fees they twice collected from both Sam and Toney? I think the WBC took down millions in fees between those two bouts and, don't forget, they made us fight Toney the second time. We went along with that...and now this! They got big sanctioning fees and that is what they want to get out of MaskaeV-Vitali."

Expect more explosions as Boxingconfidential provides more exclusive reportage on this heavyweight warfare!

Micmarley@aol.com

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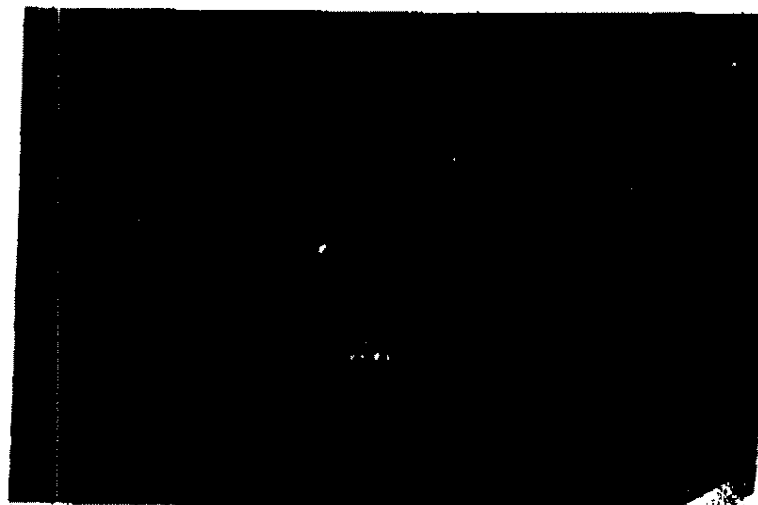
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Duva Open Letter to Vitali

26 January 2007 | 08:44



President of Duva Boxing, Dino Duva, responds to questions during a press conference regarding an upcoming match between former world champion boxer Wladimir Kitzchko of Ukraine and Samuel Peter © AP

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Vitali,

First of all, if you have a desire to come back to the ring, we welcome you.

However, do not think that we will stand by and allow you, the cowardly champion Maskoev, or anyone else involved, to interfere with Samuel Peter's right to fight for the WBC Heavyweight Championship.

You can try all the propaganda you want, but it's not going to work. The boxing media, fans and public are too smart for that. Everyone universally recognizes Samuel Peter's right to fight for the WBC Heavyweight Championship.

I have always had a great deal of respect for you as a fighter and a person. If you are the man that I think you are and that you claim to be, you will understand and respect Samuel Peter's right to fight Oleg Maskoev. Hopefully you, Maskoev, the WBC and all other associated parties will do the right thing and honor Sam Peter's mandatory.

We welcome a fight against you for all the marbles after Samuel knocks Maskoev out.



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2007 February

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In fact, I'm even willing to sit down with you and your representatives right now and negotiate a deal for when that time comes. However, if you, and all associated with this, continue to attempt to interfere with Samuel Peter's rights, an even bigger and more expensive fight will occur outside the ring and in the public arena.

I am urging you and everyone else to do the right thing.

Sincerely,

Dino Duva
President, Duva Boxing
Promoter of Samuel Peter

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Beilage 13

To: Oleg Maskaev
Samuel Peter
Vitali Klitschko
and Representatives

Re: Compulsory Mediation and Arbitration

Gentlemen:

As you are all aware and has been widely reported, there is now a controversy regarding which of Samuel Peter or Vitali Klitschko should be the next mandatory official challenger for the WBC World Heavyweight Championship. Both of you have claimed certain rights and privileges in contradiction of the claims of the other. Additionally, Oleg Maskaev has requested to defend the title next against Vitali Klitschko.

Great deals of comments have been publicly made, many of which state that the WBC has issued an order in this matter. This is incorrect.

On the one hand, the WBC believes that it may accept the proposed Maskaev versus Vitali Klitschko under its rules and regulations and the circumstances as a great bout for boxing, and on the other, fully recognizes that Samuel Peter won not only the elimination bout against James Toney, but also the rematch. The WBC is thus between competing claims.

According to Section 5.2 of the WBC Rules and Regulations (available at www.wbcboxing.com), the President of the WBC has the discretion to attempt to resolve the controversy himself. He has used that discretion in this case through many discussions with the camps. He has been unfortunately unable to resolve the controversy among the parties, and believes that the administrative remedies of Section 5.2 have been exhausted without resolution.

Therefore, the WBC is obligated to invoke the provisions of Section 5.3 of the WBC Rules and Regulations regarding non-binding Compulsory Mediation. Therefore the WBC orders that the instant dispute be submitted to such mediation at this time.

Given that time is of the essence as each of you has indicated, the compulsory mediation must commence as soon

Feb-11-07 07:24P

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as possible. The WBC therefore orders that we meet on Monday, February 5, 2007, at 12:00 p.m. Mexico City time at the WBC's offices in Mexico City to initiate the mediation proceedings. An authorized representative from each party must be present.

Under Section 5.3, the interested parties to a dispute must, in good faith, attempt to select a neutral mediator to conduct the mediation. The eligible candidate must be neutral and have experience in the sport of boxing or in resolving boxing disputes. It is therefore imperative that you contact each other immediately in order to select the mediator.

The WBC Rule 5.3 (attached) addresses the specifics of selection of the mediator. Should you require assistance in selecting the mediator, the WBC would be pleased to assist in providing one or more suggestions of neutral candidates.

In the event that you are unable to agree on a mediator, per Rule 5.3, each of you shall nominate two qualified candidates from the pool of Mediators of the Court of Arbitration for Sport (the "CAS"). The information regarding the CAS is available on the Internet at <http://www.tas-cas.org/>, and its pool of Mediators is listed at: <http://www.tas-cas.org/en/mediat/frmmmediat.htm>.

Please be advised that if the Compulsory Mediation is not held or is unsuccessful for any reason, then Rule 5.4 requires Mandatory Arbitration. Pursuant to this rule, to which incidentally all of you have agreed in writing, any dispute arising in connection with a WBC sanctioned bout will be settled exclusively by mandatory arbitration before the CAS, pursuant to the Code of Sports-Related Arbitration.

As specified in the WBC Rules and Regulations, all boxers involved in WBC sanctioned fights, as well as all related parties, acknowledge that these provisions concerning alternative dispute resolution are an essential part of these Rules and Regulations, and any person having a claim against the WBC expressly waives all remedies and courses of action other than those provided for in WBC Rule 5.

Please confirm in writing by the close of business today, Wednesday, January 31, 2007, again in the interest of

expediency, that you and/or your representatives will attend the Compulsory Mediation session in Mexico City as ordered above. Additionally, please advise on your progress and selection of the Mediator prior to that time. Kindly address all correspondence to me (gpenagaricano@wbcboxing.com), with a copy to our General Counsel Robert Lenhardt (attylen@yahoo.com).

Respectfully,

Gabriel A. Peñagaricano, Esq.
WBC Secretary General

Page 14

JOHN R. HORNEWER
Attorney At Law
1735 Napa Drive
Gurnee, Illinois 60031
847-548-8400

TO: Mr. Gabriel A. Peñagaricano, Esq.
Mr. Robert Lenhardt, Esq.
World Boxing Council

RE: Order of Compulsory Mediation

DATE: 31 January 2007

VIA E-MAIL

Gentlemen:

This office has been requested to confirm to the World Boxing Council that boxer Vitali Klitschko agrees to and accepts the order for Compulsory Mediation per the Rules and Regulations of the WBC. To that end, representatives of Vitali Klitschko, including this office, hereby agree to attend the Compulsory Mediation session in Mexico City on Monday, February 5, 2007 and to participate in said Compulsory Mediation session in good faith.

Please confirm to this office the agreement of the Maskayev and Peter camps to attend said Mediation, and please permit this communication to confirm your ability to inform the other parties of the Klitschko camps acceptance of the terms and conditions set forth in your letter. Once participation of all parties has been confirmed, we can begin the process of identifying a mediator best qualified to participate in this process.

Best regards,

John R. Hornewer

Cc: Mr. Vitali Klitschko
Mr. Shelly Finkel
Mr. Tom Loeffler (K2 Promotions, Inc.)

Barry H. Berke, Esq.
Kramer Levin Nafstals & Frankel LLP
Re: Samuel Peter
February 1, 2007
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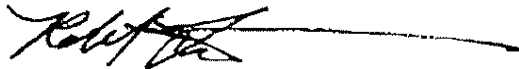
A second caveat is my understanding that Monday, February 5, 2007 is not convenient for all parties, including Mr. Sulaimán, Don King and Vitali Klitschko, to attend in person. Please advise if Mr. Peter and/or his representatives would be amenable to rescheduling the meeting for Wednesday, February 7, 2007.

Given your contention that every day results in some prejudice to your client's rights, while the WBC expressly disagrees with that contention, in order to move the process along expeditiously, please inform us tomorrow that Mr. Peter and/or his representatives will participate in the meeting on the terms outlined above. If we do not hear from you by the close of business tomorrow, February 2, 2007 to that effect, we will assume that Mr. Peter has chosen not to participate in the mediation process on either a compulsory or voluntary basis.

Finally, the WBC declines to respond at this time to the substance of your letter concerning Mr. Peter's grievance. This letter may not be construed as a waiver on any of the issues that Mr. Peter has raised, all of which may be addressed in accordance with the alternative dispute resolution provisions of the WBC Rules.

Respectfully,

WORLD BOXING COUNCIL, INC.



By: _____
Robert J.B. Lenhardt
WBC Legal Counsellor

Attachment

cc: Oleg Maskaev
Vitali Klitschko
and their Representatives;
Gabriel A. Peñagaricano, Esq.
WBC Secretary General

Barry H. Berke, Esq.
Kramer Levin Naftalis & Frankel LLP
Re: Samuel Peter
February 1, 2007
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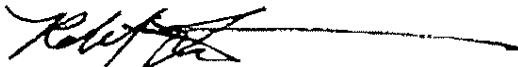
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Respectfully,

WORLD BOXING COUNCIL, INC.



By: _____
Robert J.B. Lenhardt
WBC Legal Counsellor

Attachment

cc: Oleg Masknev
Vitali Klitschko
and their Representatives;
Gabriel A. Peñaagaricano, Esq.
WBC Secretary General

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P. 36

Bellage *AS***KRAMER LEVIN NAFTALIS & FRANKEL LLP**

BARRY H. BENNETT
PARTNER
PHONE 212-715-7560
FAX 212-715-7660
BBENNETT@KLNALF.COM

January 31, 2007

BY ELECTRONIC MAIL

Gabriel A. Peñaflorcano, Esq.
Secretary General
World Boxing Council
P.O. Box 71449
San Juan, Puerto Rico 00936-8549

Re: Samuel Peter

Dear Mr. Peñaflorcano:

We write on behalf of our client, Samuel Peter, in response to your January 31 letter.

It is clear from your letter that the WBC is continuing to breach its agreement with Mr. Peter to immediately sanction his championship fight against Oleg Maskaev following his second victory over James Toney. The WBC promised Mr. Peter an immediate title fight if he again defeated Mr. Toney in order to induce Mr. Peter to accept the rematch without challenging the WBC. Each day that the WBC fails to order Mr. Maskaev to negotiate the terms of a championship fight with Mr. Peter results in financial damages and irreparable harm to my client, who, as the WBC has admitted, is entitled to, and wishes to, fight Mr. Maskaev immediately so that he can become the WBC heavyweight champion.

Contrary to your letter, the WBC is not faced with "competing claims," since Mr. Peter has the *sole claim* to a fight against Mr. Maskaev. Even under WBC rules, Vitali Klitschko would only be able to fight Mr. Maskaev if the WBC unilaterally decides that he should be allowed to do so. That is, Mr. Klitschko would only have a claim to a fight against Mr. Maskaev if the WBC created such a claim for him in violation of Mr. Peter's hard-earned right to an immediate title fight. To the extent that "the WBC believes that it may accept the proposed Maskaev versus Vitali Klitschko [fight] under its rules and regulations" in contravention of Mr. Peter's rights, the WBC's bad faith in doing so will subject it to further liability to Mr. Peter. See *M'baye v. World Boxing Association*, 429 F.Supp.2d 660, 668 (S.D.N.Y. 2006) (WBA acted in bad faith by repeatedly failing to sanction mandatory challenger for a title fight in order to secure higher sanctioning fees from other fights).

In today's letter, the WBC concedes that it has not yet issued an order sanctioning a heavyweight championship fight. Furthermore, it appears from your letter that the WBC is seeking to avoid its obligation to sanction a heavyweight championship fight between Mr. Maskaev and Mr. Peter as it represented it would in inducing Mr. Peter to accept a rematch with

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ALSO AT 47 AVENUE HOCH 75006 PARIS FRANCE

KLN 257074.2

IN ALLIANCE WITH BROWN LEBRON PARRISH LOWEN + BRUNER

KRAMER LEVIN NAFTALIS & FRANKEL LLP

Gabriel A. Peflagaricano, Esq.

January 31, 2007

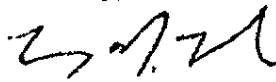
Page 2

Mr. Toney. While we understand that the WBC would like to resolve this issue through mediation and/or arbitration, there is no decision for any party to challenge since the WBC has not yet issued an order sanctioning a championship fight.¹ There is only one possible resolution that will avoid a lawsuit – the WBC's *immediate* sanctioning of a championship fight between Mr. Maskaev and Mr. Peter – a resolution that is entirely within the WBC's control. We therefore repeat our request that the WBC immediately sanction a heavyweight championship bout between Mr. Peter and Mr. Maskaev consistent with the WBC's prior representations to, and agreement with, Mr. Peter.

We believe this issue can be readily resolved by the WBC when it issues an order sanctioning the next heavyweight title fight. We welcome the opportunity to meet with you, Mr. Sulaiman and any other representatives of the WBC in order to resolve this matter. For convenience and expedience, we suggest that this meeting take place in New York rather than Mexico City because many of the representatives of the concerned parties are located in the greater New York area. Please be advised, however, that if any such discussions do not result in the WBC's immediate sanctioning of a championship fight between Mr. Maskaev and Mr. Peter, we remain prepared to take prompt legal action to protect Mr. Peter's rights.

This letter is without prejudice to Mr. Peter's rights and remedies in law and equity, all of which are specifically reserved.

Sincerely,



Barry H. Berke

cc: Robert Lenhardt, Esq.

¹ It should be noted that we do not agree that mediation or arbitration would be required in any event because, among other reasons, Mr. Peter would have claims based on the WBC's breach of its representations and promises to, and agreement with, Mr. Peter, separate and apart from the WBC's violations of its own rules.

Bellage Ab

WORLD BOXING COUNCIL

ROBERT J.B. LENHARDT
WBC Legal Counsellor

February 1, 2007

Barry H. Berke, Esq.
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036-2714

Re: Samuel Peter

Mr. Berke:

I write on behalf of the World Boxing Council in response to your letter to Gabriel Peñaagaricano dated January 31, 2006 (attached). It is unclear from your letter, but it appears that Samuel Peter does not agree that the compulsory mediation that the WBC has ordered pursuant to Section 5.3 of the WBC Rules and Regulations ("WBC Rules") is compulsory or required. Please note that the WBC's paramount objective is to resolve any dispute among all parties amicably and expeditiously, which is the purpose of Section 5 of the WBC Rules.

Your letter notes that Mr. Peter and/or his representatives are willing to meet with WBC President José Sulaimán and any other WBC representatives, and then suggests New York instead of Mexico City "because many of the representatives of the concerned parties are in the greater New York area."

If by this you mean that Mr. Peter and/or his representatives are willing to meet with representatives of all the concerned parties, i.e., including Oleg Maskaev, Vitali Klitschko, and their representatives, the WBC would be willing to accept your participation in such a meeting as the first step in the mediation process (for example, the parties must, in good faith, attempt to select a neutral mediator to conduct the mediation, which would be an agenda item for the meeting, as well as to attempt to resolve the issues), but expressly without prejudice to your position that any such participation would be voluntary and not deemed to be Peter's acceptance of compulsory mediation (and without prejudice to the WBC's position that the mediation is compulsory) and for the purposes of settlement only.

One caveat is that our willingness to accommodate your request to meet in New York would be expressly subject to the prior written agreement of all parties that no party shall attempt to serve process on any person during their presence in New York for the mediation, and that the location of the mediation will not be cited or deemed relevant to any future dispute concerning issues of venue, personal jurisdiction, or choice-of-law.

1717 Main St., Suite 900, Dallas, TX 75201 USA - Tel (214) 237-2342 - Fax (469) 388-1353 • attylen@yahoo.com